VALSTS TIESĪBU APAKŠNOZARE

PROACTIVE PUBLICATION OF INFORMATION ABOUT JUDICIAL CASES AND ACTS OF THE COURT OF JUSTICE

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Abstract

The integration of IT and Internet technologies in the work of the judiciary institutions has become a major factor in the changes in the administration of justice. On the one hand, technology has become accessible to law enforcement agencies and has become an effective means of carrying out their work and managing document flow. On the other hand, ICTs have been made accessible to citizens and users of the justice system and to electronic reporting provided by the judicial authorities and other online services. The potential of technology is to provide more and more new or improved services in the field of justice, as well as the ability of citizens to actively use them.

The publication of court documents and the provision of data on court cases electronically via the Internet affects a wide range of public relations and rights enshrined in national and international regulations.

One of the main elements of the legislation on the access to information is the principle that public institutions must follow a policy aimed at publishing information of general interest without filing an application, i.e. Proactive publishing policy.

Keywords: Judicial system, e-justice, Web portal of the judicial system, information development of public authorities.

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Introduction

The topic of e-Justice implementation in Bulgaria has been on the agenda for many years, but despite the clearly formulated need, so far only individual initiatives for its practical application are present. Judicial bodies informatization is manageable conceptual process aimed at maximizing the modern ICT potential[1].

Main problems in Bulgarian public administration are: irrational use of resources, data duplication, multiple input of identical information, lack of automated data exchange between different systems, even within the same administration[2].

With the adoption of the amendments to the Judicial System Act (JSA) of August 2016 the formation of the necessary regulation of the processes of electronization in the courts began. The lack of regulation was (and still is) among the main obstacles to the practical application of e-Justice.

It is obvious that the judicial authorities in Bulgaria are trying to meet the European model of ICT development and to participate fully in the online exchange of data and information in the EU.

This implies to develop new methods for automated electronic exchange of information while ensuring the protection of the data and the inability for them to be subject to unlawful actions by unauthorized entities, including within the administration, receiving or storing them[3].

Part of the planned tasks for implementing e-justice are related to publishing information on the Internet about court cases and court acts through a single centralized information system. It has to connect with a significant number of other courts systems, there will be tens of thousands of consumers and, above all, will have to guarantee basic principles of the judiciary – publicity and transparency.

The basic principle in the legal regulation of the right of access to information is that all information created and held by public institutions is not a subject to restrictions, i.e. access to it will not harm the general or personal interest. The accessibility of non-restrictive information means its seamless publication, and it is most effective using modern technology, ie. in Internet.

I. LEGISLATIVE FRAMEWORK. Legislative settlement of the principle of proactive publication

The provision of the secondary regulatory framework is realized through the successively adopted Ordinance No 4 from 16 March 2017 on the keeping, preservation and access to the register of the acts of the courts[4] *(Ordinance 4) and the Internal Rules for the Use of Electronic Signature and Electronic Identification by the Judiciary Authorities*[5]*. It is also expected to adopt an Ordinance on the organization and procedure for keeping, preserving and accessing electronic cases and the way of keeping the evidence and the means of evidence in cases, as well as the internal turnover and the storage of other information processed by the judicial administration*[6].

The policy for active publication of information by public institutions is legislatively regulated mainly through the laws on access to information.

In the first place, it is a direct manifestation of the clause in Art. 41, para. 1 of the Constitution of the Republic of Bulgaria right of access to information.

An identical right is also recognized by Art. 19 para. 2 of the International Covenant on Civil and Political Rights, and with Art. 10 of the European Convention on Human Rights recognizes the right of everyone to receive and distribute information. /**Article 10 – Documents made public at the initiative of the public authorities":** *At its own initiative and where appropriate, a public authority shall take the necessary measures to make public official documents which it holds in the interest of promoting the transparency and efficiency of public administration and to encourage informed participation by the public in matters of general interest*[7].

EU Recommendation Rec / 2002/13 refers to the public distribution of judicial information related to the European Convention on Human Rights for quick and effective access to judicial practice and judicial information.

The use of electronic tools in the work of institutions in the structures of the judiciary improves the rationality of work and increases the efficiency of decision making. The technological development of modern society has reached a degree in which it matters not just whether somehow people can get the information they are interested in. For the full realization of the right to information, it is important

whether it will be obtained in the most convenient and unhindered way, and the most successful way for such access is the Internet. The second sentence of this paragraph also defines the limits of the exercise of the right to information, namely foreign rights and national and public interests („... state secret or other secret protected by law ...“). The regulations on the provision of information need to be respected, no matter in what environment this information is distributed – traditional, on paper or electronically on the Internet.

Access to Public Information Act (APIA)

The right of access to information and the public relations related to it are regulated in more detail in the Access to Public Information Act (APIA). Unlike other legislations, the issues of information provided by the judiciary are not addressed by special regulations excluding general law (there are special regulations, namely the ones listed below in JSA, CPC, PPC, etc.).

Besides the rights and obligations related to the provision of information by the state bodies including the bodies of the judiciary in APIA, there are also some general rules on restrictions on the right of access to information.

The additional restrictions are regulated by the Personal Data Protection Act (LPPD)[8] – “personal data”, Classified Information Protection Act (CIPA)[9] – “state and official secret” and the Law on Protection of Competition (LPC) – „trade secret“. Most restrictions, and in particular all of these, are also relevant to the information created and maintained by the judiciary institutions.

Specific rules relating to restrictions on access to information within the judiciary are contained in the Judicial System Act, the Code of Civil Procedure, the Code of Criminal Procedure, the Code of Administrative Procedure (APC) and others, as well as in the secondary normative acts – the rulebooks, regulating the organization and the activity of the administration of the courts, the prosecutor‘s office and the Supreme Administrative Court. Some of these provisions do not give new content to the restrictions on access to information, but there is a lack of compliance with the constitutional provision, international standards and APIA and CIPA.

According to Article 4 of the APIA, everyone has the right to access to public information, including citizens, foreigners, stateless persons and legal entities. Restrictions on the right of access to

information regarding the rightful persons are not allowed. In practice, such restrictions in our country are created by in-house acts such as the Order of the Administrative Head of the Sofia City Court, which prohibits lawyers from having access to cases where they are not proxies. This order is contrary to the Attorney Act, which gives an unconditional right to such access only on the basis of the capacity of a lawyer.

On the contrary, everyone has equal access to information according to the principles of Article 6, point 2 of the APIA.

Electronic Governance Law (EES)

The Electronic Governance Law (EES) creates obligations for electronic service providers to disclose their services (Article 10 of the ESA) through their websites, and they are also required to provide unobstructed, direct and permanent access to service recipients to detailed contact information, the control authorities, the possibility of submitting alerts, complaints, etc., the procedure for appealing the actions, the price of the service and the methods of payment, the technical steps of the service, the way of access to the issued act, the technical means and to identify and debug and languages through which the service can be used (Article 13 of the EGA).

Judicial System Act (JSA)

In connection with the guarantee of the right to information on the court proceedings, there is already a correspondingly explicit obligation of the judiciary authorities: „The judiciary bodies provide the persons who have the right of access to the cases of remote, continuous and free access by electronic means to electronic cases, as well as technologies and means of access to electronic cases in the premises where their administrations are located“ (Article 360h, paragraph 4 of the Judicial System Act). The cited regulation is part of the amendments to the JSA, adopted by the Law for Amendment and Supplement to the Judicial System Act, promulgated with State Gazette, issue no. 62 from 2016. A new „Chapter Eighteen A“ was created in the JSA: „Certification statements and procedural actions in electronic form“. The newly adopted regulations were the long-awaited necessary step to create the legal basis for the introduction of e-Justice[10].

With these amendments, the Unified Electronic Justice Portal

(UEJP) has been explicitly regulated, providing the necessary publicity for information on electronic court cases and court acts.

The plenum of the Supreme Judicial Council (SJC), after consultation with the Minister of Justice, builds and maintains a unified e-Justice Portal (UEJP)[11]. Judicial authorities will conduct certification statements, issue acts and all other statutory proceedings in electronic form (Valid from 10.08.2019.).

UEJP provides:[12] request carrying out certification statements and procedural steps in electronic form; delivery of messages and summonses; access to the supported by the judicial authorities electronic cases and public records. UEJP provides free and public access to protocols and statistics for random selection during the allocation of cases, which are provided in the law or any other enactment. It provides access to other information and functionalities.

Art. 360d of the Judiciary Law states that the judicial authorities must provide[13]: *unfettered, free, direct and permanent electronic access of citizens to information such as name of the judicial authority, address, contact details, including telephone and e-mail address or web page with interface for communications in electronic form, telephone, where people can get information on how to perform the procedural actions in electronic form and support for the necessary technical steps, that they should take about that, a unique identifier of the judicial authority, data on bank accounts, which can be used to pay state fees, costs and other obligations to the authority and others.*

The cited texts from the law outline a broad range of links and interactions with other systems that need to be implemented through the unified portal:

- Should bring together the websites of the judiciary authorities;
- There must be a connection to the information system for random distribution of cases;
- There must be a connection with public registers maintained by the judiciary authorities (each register is maintained by a separate information system);
- There must be a connection with the individual court filing systems and / or other systems that support electronic court cases. When the unified information system of the courts is established, it will be necessary to connect with it (market consultations are still ongoing before the public procurement is

announced for its development and integration);
- There must be a connection with the register of court acts;
- Must provide the possibility of requesting the making of certification statements in electronic form, carrying out procedural actions in electronic form and service of messages and summons, the service being presumed to be performed with a separate information system;
- Can provide access to other information and functionality.

As can be seen from the above, the scope of the unified e-Justice portal and related information systems is enormous. The normative requirements to them are different, the business processes are different, which determines the different requirements to the information systems that will serve them. For some of these systems, there is still no way to define technical requirements, as there are gaps in the regulations that are yet to be filled.

Register of court acts

The Register of Court Acts is one of the very few for which the legal framework is now almost complete (the Supreme Judicial Council Plenum is due to establish technical standards for access to the register, policies for the graphical interfaces used, the types of electronic documents and file formats that are used; for storing and archiving of data; for acts that are not subject to publishing in the register). The existence of normative regulation allows to clearly outline the technical requirements to the information system, which will ensure its maintenance. Since this register represents the realization of the right of access to court documents and ensures that the publicity of the trial, it will be discussed in more detail in this report.

In Art. 26 of Ordinance 4, the legislator has explicitly provided that the Register of the Court Acts (RCA) is public and everyone has the right to free access to the acts published in the register. RCA contains acts, objectively substantiating the substance of the case and acts that end or hinder the further development of the proceedings in fornt of the relevant court or are subject to an independent appeal. The judicial acts determined by a decision of the plenum of the Supreme Judicial Council (Article 2 of Ordinance 4) are not subject to registration in the Register. It is envisaged that the RCA will be part of the single centralized information system of the courts. It is a

web-based electronic database containing the abovementioned acts and the related circumstances. The data for each act is organized in a separate electronic batch, which consists of two parts – part „Entered circumstances“ and part „Declared act“. The required content of each of the parts is defined in Art. 7, para. 2 and 3 of the Ordinance.

Publication in the RCA provides for the exercise of the right of access to judicial acts without, however, affecting the rights of citizens, organizations, public and state interests. Guarantees for their protection are provided in Art. 13, para. 1 and 2 of Ordinance 4, which place restrictions on the publication. However, observance of these limitations can not be ensured only by an information system. It is possible to set algorithms to check whether a decision contains or not personal data, but the final judgment should always be by a person, as only he can assess the merits – for example, if there is data under Art. 14, para. 5 and 6 of Ordinance 4, which, although personal, are not subject to deletion.

Ordinance 4 also contains regulations defining the technical requirements for the RCA in order to effectively fulfill the purposes for which it was created. The information system through which it will be maintained should be centralized but connected to the file systems (and / or other internal systems) of the courts. The quality of these systems is critical to the quality and completeness of the RCA database because workflows that result in outputs for RCA are happening in the individual case departments of the courts. If a court fails to submit data on related cases or a solution is available, this information can not appear in the registry because it is not possible for it to discover and access this information on its own. When the single information system of the courts (part of which should be RCA) is developed and implemented, it is also necessary to specify the link between the two systems because the basic information in the RcA will again come from an external source (the unified system of courts), in which the completeness and timeliness of the register will depend.

The functions and tasks entrusted to the RCA also determine the requirements for its information system, which must keep a history of all entered entries and corrections in the register, must clearly identify the identity of the persons who have done them and the exact time of their execution. It is explicitly provided for the data on the activities, related to keeping and storing the register to be

maintained in a structured form.

Finally, Regulation 4 also provides for the introduction of a European Case Law Identifier (ECLI), which is a step towards publishing and providing electronic access at supranational level to Bulgarian judicial acts.

Outside the scope of regulation of Ordinance 4, issues related to the conclusion of stand-alone contracts with which a particular court sells / provides the database with its acts to third parties (especially when they are provided to commercial companies generating profits from subsequent distribution of data – for example, in offering legal information systems, reference information, etc.). It is advisable to create clear rules in this respect in order to avoid divergent practice.

II. PUBLICATION OF DATA ON CASES AND COURT ACTS – CURRENT SITUATION

Although the detailed regulatory framework, regulating the keeping and maintenance of the RCA is a newly created, a register of the acts of the courts with deleted personal data currently exists. It is accessible directly on the web address: http://legalacts.justice.bg/[14] or through the Unified e-Justice portal (https://portal.justice.bg/)[15].

The unified e-Justice portal also existed before its regulation emerged. There are still very few courts attached to UEJP: Appeals Courts (1 of 7); Administrative (0 of 28); Regional (10 of 113); District (8 of 28); Military Courts (0 of 3).

The system contains public information with deleted personal data available to all users and another, non-public, containing electronic copy of court cases accessible to and only for registered users. Access is through a user profile, protected by a username, representing the user‘s e-mail address, and a password. The account is created once and is used for all cases to which the individual has rights regardless of which court is competent to examine them.

The account may be personal, owned by a person, or owned by a legal entity or their legal representative (lawyer).

The current registry of the acts of the courts with deleted personal data is known as the Central Web Based Interface for the Publication of Judicial Acts (CWBIPJA)[16]. It publishes court acts of all courts in the country (or, in particular, of all courts that have expressed a desire to publish court acts in the portal, which are not very

numerous). It provides the possibility to search for a court decision on the following criteria: Court; Case type; Case number; Year of the opening of the case; A court staff or a judge; Type of judicial act; Status of the judicial act; Date of issue; Keywords.

CWBIPJA is a useful tool for obtaining information from practitioners, but it does not fully meet the structure and content requirements of RCA provided for in Ordinance 4 – for example, there is no information on whether the act has entered into force, when it is sent to a higher instance, what is the result of the appeal, etc. This is particularly useful information, but at the moment the batch of acts is not organized so that, after the initial publication of an act, an employee of the respective court will „come back" later and add this information – the argument is that there is not enough human resource for such activity.

The other portal of the judiciary, which existed prior to the birth of the normative regulation for it, is the Unified E-Justice Portal. Among other information, he provides access to electronic court cases (https://ecase.justice.bg/), including acts that are subject to publication under Ordinance 4. Access to cases is done in two ways:

- Without registration – users receive access to cases and acts with deleted personal data;
- Through a personal profile obtained after registration – the users receive full access to the case and the acts are not deprived of personal data.

In order to protect the personal data and the rights of the persons involved in the proceedings, the right of access to a case is allowed separately for each specific case under rules adopted by the SJC.

However, in accordance with the requirements of the LPDP, a restriction on the publication of judicial information via the Internet is imposed, because of the need for the preliminary deletion of „personal data". The limited scope of information published on the pages of the courts can not fully meet the needs and right of the parties to use and acquaint themselves with all real-time information and documents on cases, including the original content of court protocols and papers. To a particular extent, this is important for lawyers who are often involved in lawsuits in different courts, and inquiries in these cases require time and traveling from one location to another, including only for receiving uncertified copies of court protocols. Therefore, timely and easy access to the status of the case

and its electronic file will undoubtedly help lawyers in their work and the effective exercise of the rights of defense.

The established UEJP for remote access to cases is a sort of technical solution to the presented practical problem by ensuring access to information on court cases.

The scope of the remote access to court information through UEJP includes: information on the type of case and the status of the case (date of formation, motion, scheduling, announcement), judicial panel, change of judicial panel, parties to the case, court secretary, lawyer, court rulings, including court records and final judicial acts, information on appeals against the judicial acts, and full access to all court papers and documents in the electronic file of the case. The portal also provides information on related cases with the searched one if there has been an appraisal or cassation control of the case. The scope of the provided electronic remote access to cases does not include cases, dealt with in a court hearing for which access is expressly restricted by law, adoption cases, as well as access to court papers and documents, containing classified information for which a special law of access of the parties is provided for. Lawyers, consultants and parties have been given free and technical opportunity to copy court papers and acts in electronic cases in an unverified version (in uncertified copies).

The electronic access portal provides the opportunity to make quick inquiries on a number of criteria, such as: type of case, incoming number, case number and year, previous case number and year, party in the case.

The review of the Unified Electronic Justice Portal shows that it is more in line with the new regulatory framework, but to achieve full compliance, further development and upgrading of the information system will be needed. The possibility of full access to electronic lawsuits is a dream come true for legal practitioners, especially when they have a case in a different settlement. Unfortunately, however, the benefits of this type of publication can not be fully felt because there are still a few courts that have contacted the portal and submit information to it.

The right to free access to information

The publicity of court proceedings is a principle of justice. Access to the filing information is part of the means of guaranteeing due

publicity and the court owes this information except in strictly limitative cases.

At the same time, different portals for access to court cases in the different regions of Bulgaria are currently being used, and the courts still do not connect to UEJP.

The built web application for access to information on court cases from Information Service AD is a superstructure of the judicial system SAS „Court Filing", which is functioning in court and is developed in order to provide quick and easy Internet access for registered users (lawyers, magistrates) to information about the cases in the courts in which SAS is implemented and functioning.

The single web portal for access to and provision of information in electronic form on the movement of court cases is implemented in Bourgas (http://sas.is-burgas.net/) and the Varna judicial district (http://iovn.is-vn.bg/Descript.html[17]).

Varna judicial district

In May 2014 23 courts from the judicial district of Varna Court of Appeals participated in a Single web portal for access and provision of information in electronic form on the movement of court cases. Except for the movement of files, the web portal allows access and information to protocols of open hearings and court documents from electronic case files.

In the six district courts in Varna, Dobrich, Shumen, Razgrad, Targovishte and Silistra, in the Varna Administrative Court, as well as in 16 district courts in the appellate district, the web portal for access to information on court cases already provides data on: received incoming documents to form a case; cases filed; held open, closed and dispositional meetings; pronounced court acts; complaints, protests, private appeals and protests; documents received in the course of court proceedings – applications, written defense, actions of creditors and debtors and others.

However, the right of access is paid. The access to the „Portal for access to court cases" page requires registration. However, it is not free for both lawyers and parties.

Bourgas judicial district

The options for access to information on court cases are the same as the ones using the portal in the Varna district: limited and

subscription access, as the user can check the movement of cases, but the report costs 0.50 BGN. If he wants to download a document from the portal, it will cost him 1 BGN. Amounts can be deposited in the offices of Information Services AD or by bank transfer.

Such portals have been implemented in other major courts. Web Portals have also been implemented in the Sofia judicial district: https://info.scc.bg/ and http://www.sso.justice.bg/

On the website of the Sofia City Court, for example, only registration is necessary in order to gain access to the movement of cases.

The possibility of remote verification saves both parties and attorneys time at least. The „Information services" company is obviously benefiting from this, in order to make profit from the citizens who want access to justice outside the statutory state fees. For now, the profit is being collected undisturbed because of the SJC's inaction, which is also a violation of the law.

There should not be any information posted on the court's website that is paid. „People pay court fees, there should be no money for the administration of cases. This does not use the publicity of the court and should not have paid access"[18].

The SJC should take a side in this case and take action to standardize the practice. „There should be no profit from any information that should be public"[19, 20].

Creating the conditions for such a symbiosis between the parasitic private commercial company and a host government is not acceptable in principle, even less so with the bodies of the judiciary that exclude the outsourcing by default.

The absence of explicit regulation for electronic access to information on case documents, parties, meetings, judgments, appeals, complaints or protests, actions by creditors and debtors should not be treated as an authorization for the courts through bilateral contracts with commercial companies to transform the filing information into a merchandise sold for a foreign profit[21].

III. HOPES AND EXPECTATIONS FOR THE FUTURE

Ordinance 4 is a response to the long-standing wishes of legal practitioners for the free publication of judicial acts in all courts in the country, the existence of uniform criteria for doing so, and

the provision of electronic access to cases (the latter is subject to the Ordinance on electronic case, for which the public consultation process was recently closed). Now we expect to see what happens in practice. Whether and how effectively the regulatory requirements will be fulfilled, whether the chosen solutions for the implementation will be sufficiently comfortable and useful for the judiciary itself and for the external users depends heavily on the information systems that will be used for this purpose. In connection with the publication of judicial acts, practice has shown that in many cases whether an act will be published or not, it does not depend on the availability of a technological opportunity to do so. Even when there is a relevant information system, we see how some of the panels in a court make their decisions public, others do not publish their decisions or publish them partly; kow when changing the management of a court, the publication of acts suddenly stops, which had been happening without any problems with the previous manager; how acts are uploaded a month after they are ordered, so they „do not waste time" to upload them every day, and so on. These practical hurdles to the publication of judicial acts call for the use of such systems by the judiciary, which, in addition to providing the turnover of documents (both paper and electronic) as a result of lawsuit activity, should also allow for monitoring and management of business processes, and the people involved. An effective publication of court acts can not be expected if it is not known when the record holder X has received the decision he has to publish in the register, to see that he has published it two weeks later than he should have been; be clear who is responsible that personal data has not been deleted; how a piece of evidence that was available in the electronic case has disappeared from the file folder, etc., etc. There are scandalous cases that we are used to seeing often in our legal reality. To a large extent, civil society depends on whether it will allow vicious practices to move from the paper to the electronic world. The fact that there is some normative regulation is not a sufficient guarantee. There is a need for measures to ensure its realization. The subject matter and the scale of manifestation show that publishing information on court cases and acts can not happen without taking action and process management through multiple information systems. Therefore, they must be selected, defined and implemented in such a way as to achieve the objectives set so that we can finally enjoy a transparent

and accessible judicial system.

The construction of the e-Justice portal has led to the achievement of a uniform standard of vision, functions and use of the electronic services provided by the judiciary, i.e. create a prerequisite for building a single and unified environment for the provision of e-services for citizens and organizations, unified court websites and a unified interface for the performance of electronic data collection by the judiciary, providing resources for content management and access to information, as well as their hosting.

With the implementation of a centralized system for all courts, there will be no need for interoperability to exchange information and documents between the existing IS in the judicial system. An additional benefit would be optimizing court costs for maintaining decentralized systems, and increasing the level of information security on a number of occasions as the system is kept in one place. Last but not least, there will be easy mobility of magistrates and employees who will be trained to work on a single system that will change immediately and easily when changing the structure of the system.

The unified system will free the individual judiciary authorities from the financial burden of maintaining separate web-based systems. The planned direct link between the two centralized ISs – the courts and prosecution offices – will increase security and facilitate the exchange of information between them.

The unified e-Justice portal will provide citizens with access to the two centralized systems. It should become an information system that will accept statements from citizens and legal entities to all judicial authorities.

Conclusion

The use of information technology in the judicial system improves the efficiency and transparency of the administration of justice and the goal is to continue the process of integration of information systems and ensuring their full applicability in the courts, the prosecution and investigation.

The effective functioning of the judiciary is essential to ensure free access to and exchange of information between the judiciary, public administration and civil society and business.

The road to effective implementation of e-tools in our country is the transition from the provision of individual e-services to the provision of a range of services to the complete implementation of the full e-Justice toolkit.

Irrespective of the issues, which come with e-Justice, its development is of key importance for the implementation of the Europe 2020 Strategy and the Bulgaria 2020 National Development Plan.

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Anotācija

Informācijas un interneta tehnoloģiju integrācija tiesu iestāžu darbā ir kļuvusi par galveno tiesvedības pārmaiņu faktoru. No vienas puses, tehnoloģijas ir kļuvušas pieejamas tiesībaizsardzības iestādēm, efektivizējušas darbu kā arī dokumentu plūsmas pārvaldi. No otras puses, tehnoloģijas ļauj procesu dalībniekiem, zinātniekiem un citiem interesentiem iegūt informāciju par notikušajiem, notiekošajiem un plānotajiem procesiem, tiešsaitē uzzināt par tiesu iestāžu lēmumiem un citiem elektroniskajiem pakalpojumiem. Tehnoloģiju potenciāls ļauj padarīt pieejamus arvien vairāk jaunus pakalpojumus vai arī uzlabot jau sniegtos pakalpojumus tieslietu jomā, kā arī rada plašākas iespējas tos aktīvi izmantot. Elektroniska tiesas dokumentu publicēšana un datu sniegšana par tiesas lietām, izmantojot internetu, ietekmē plašu sabiedrisko attiecību spektru un tiesības, kas ietvertas nacionālajos un starptautiskajos noteikumos.
Viens no tiesu darbības galvenajiem elementiem attiecībā uz piekļuvi informācijai ir princips, ka valsts iestādēm ir jāievēro politika, kuras

mērķis ir publicēt vispārējas nozīmes informāciju, neiesniedzot pieteikumu, t.i., proaktīva publicēšanas politika.